

### **REMARKS/ARGUMENTS**

This paper is filed in response to the Office Action mailed July 12, 2007. At that time, claims 1-16 were pending in the application. Claims 3-5 and 15-16 were rejected under 35 U.S.C. §112, second paragraph. Claims 1, 2, 3, 10, 11, and 13 were rejected under 35 U.S.C. §102(b) in view of EP 0572248 (hereinafter "EP '248). Claims 4-9, 12, and 14 were rejected under 35 U.S.C. §103(a) in view of EP '248.

By this paper claim 1 has been amended and claims 2-4 have been cancelled. Accordingly, claims 1 and 5-16 are presented for reconsideration and allowance by the Examiner.

#### **Rejections Under 35 U.S.C. §112, second paragraph**

The Examiner rejected claims 3-5 because the preamble used the word "apparatus" rather than "method." By this paper, claims 3-4 have been cancelled. Claim 5 has been amended to make the suggested correction.

The Examiner rejected claims 15-16 arguing that certain steps of the claim were not related to other steps. Applicants respectfully disagree with this assessment of claims 15-16. Applicants submit that these claims are clear as written. Specifically, these claims, like all claims, are formed by a single sentence. Each of the features discussed by the Examiner has previously been introduced in the claim. The lines referred to provide additional detailed related to process and manipulation steps related to already introduced features and structures.

For example, the clamshells have previously been introduced and loaded with composite material. In the lines referred to by Examiner, the loaded clamshells are closed together. Applicants fail to see any indefiniteness in this step.

The same is true with the other steps objected to by the Examiner. The composite material has previously been introduced, and is then cured. This is absolutely clear and definite. The same is true of shrinking the core of selective forms. The core and the forms have previously been introduced and the core is then shrunken. This is clear, especially in view of the discussion in the specification.

Accordingly, Applicants respectfully request that the Examiner withdraw the remaining section 112 rejections. Applicants believe that to make the suggested amendment to the claims would actually cause the claims to be less definite.

**Rejections under 35 U.S.C. §102(b)**

The Examiner rejected claims 1, 2, 3, 10, 11, and 13 rejected under 35 U.S.C. §102(b) in view of EP 0572248. . “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants submit that claims 1, 2, 3, 10, 11, and 13, as amended, are not anticipated by the cited reference. EP ‘248 relates to the use of a specifically structured blow bag in the formation of hollow articles such as aircraft wings. EP ‘248 Col. 4, lines 18-46; Abstract. EP ‘248 teaches that this structure of a blow bag is desirable in order to prevent the blow bag from splitting and the like. Col. 2, lines 14-18.

EP ‘248 fails to provide any teaching concerning the structure of a spar as set forth in claim 1. Accordingly, EP ‘ 248 fails to anticipate claim 1 and those claims dependent therefrom.

**Rejections under 35 U.S.C. §103(a)**

The Examiner rejected claims 4-9, 12, and 14 under 35 U.S.C. §103(a) in view of EP ‘248. A determination of obviousness is based on the factual inquiries of: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of

ordinary skill in the pertinent art; and (4) secondary considerations of nonobviousness. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

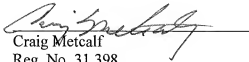
"The legal concept of *prima facie* obviousness is a procedural tool [that] ... allocates who has the burden of going forward with production of evidence in each step of the examination process." MPEP §2142. A *prima facie* case of obviousness is established only if the Examiner shows that (1) there is some teaching, suggestion, or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there is a reasonable expectation of success; and (3) the prior art teaches or suggests all of the claim elements. MPEP §2143.03. Specifically, "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577 (Fed. Cir. 1984).

As with the discussion of the section 102 rejections, EP '248 fails to include any teaching of the structure of a spar as set forth in amended claim 1. Thus, the claims are not obvious in view of this reference.

Applicants submit that all of the objections and rejections of the Office Action have been addressed in the preceding amendments and remarks. With the entry and consideration of the above amendments and remarks, Applicants submit that all of the issues raised in the Office Action have been addressed and resolved. Applicants submit that each of the currently pending claims is patentably distinguishable from the reference applied for at least one or more of the reasons discussed above. Accordingly, Applicants respectfully request withdrawal of the rejections expressed in the Office Action and allowance of all pending claims.

In view of the foregoing, Applicants respectfully submit that all claims are now in condition for allowance and request that a Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that could be clarified by telephone, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

  
Craig Metcalf  
Reg. No. 31,398  
Attorney for Applicants

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METCALF INTELLECTUAL PROPERTY LAW, LLC  
Cottonwood Corporate Center  
2795 East Cottonwood Parkway, Suite 155  
Salt Lake City, Utah 84121  
Telephone: 801-947-1300